

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

June 3, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 8, Absent 1. Council Member Kathy Schwantes was excused from the meeting.

Also present were City Administrator Ike Holland, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Sean Christensen, Park and Recreation Director Rob Baumgarn, Fire Chief Frank Hanson, Planning and Development Services Director David Ramstad, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, and City Attorney Robert Scott.

Proposed additions or deletions to the agenda included: Mayor Calvin asked that Item 14 – Resolution to Award South 1st Street Water Main Replacement Project to Landpride Construction be removed from the agenda.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of May 6, 2019
- B. City Council Minutes of May 20, 2019
- C. Willmar Municipal Utilities Board Minutes of May 28, 2019
- D. Planning Commission Minutes of May 15, 2019
- E. Accounts Payable Report May 16 through May 29, 2019
- F. Central Community Transit Operations Board Minutes of March 26, 2019
- G. Police Commission Minutes of March 21, 2019
- H. Invest in Willmar Board Meeting Summary of May 8, 2019
- I. Appointment of Rhonda Otteson to Planning Commission

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Asmus seconded the motion which carried.

Public Works Director Sean Christensen and City Administrator Ike Holland recognized the retirement of Jim Gauer, Wastewater Treatment Facility Superintendent for over 31 years. Mr. Gauer thanked the Mayor and Council for the opportunity to work for the City and for recognizing him with a gift of appreciation. Mr. Gauer thanked his staff, Public Works staff, and Municipal Utilities staff for the great working relationship they shared over the years.

There was no one present to speak during the Open Forum.

At 7:05 p.m. Mayor Calvin opened the public hearing for the text amendment to Section 6.I of the Zoning Ordinance relating to the General Business District. Planning and Development Services Director David Ramstad stated the Planning Commission received a request to consider a tattoo parlor use outright in the General Business District. The Planning Commission held a public hearing on the proposed text amendment on May 15, 2019, and approved the request.

There being no one to speak for or against the proposed text amendment request, Mayor Calvin closed the hearing at 7:26 p.m. and opened it up for discussion by the Council.

Following discussion, Council Member Mueske offered a motion to approve the request, adopt, assign a number, and order final publication of **Ordinance No. 1435 An Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance By Amending Section 6.I Relating to the General Business District**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Community Development Report for May 28, 2019 was presented to the Mayor and Council by Council Member Fagerlie. There was one item for consideration.

Item No. 1 Staff informed the Committee of a hazardous building at 312 9th Street Northwest. The detached garage at the above-mentioned address has been in a state of dilapidation since March 2019. The property is owner occupied, with the collapse of the garage due to heavy snow fall. The garage meets the requirements to be declared as an unsafe building. If the building is so declared, staff will initiate the process for removal. It was the recommendation of the committee to declare the detached garage at 312 9th Street Northwest as a hazardous building and order its complete removal with all fees assessed against the property.

Resolution No. 19-080 Declaring Hazardous Building and Order for Removal by the City Council of the City of Willmar, Minnesota was introduced by Council Member Fagerlie. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Community Development Report of May 28, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie. Council Member Nelsen seconded the motion, and carried.

The Finance Committee Report for May 23, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were seven items for consideration.

Item No. 1 Members of the public were present to express concerns about the proposed lease with the Willmar Stinger baseball organization. Some of the concerns expressed were in regards to the availability of the concession stand for other organizations like the VFW, Legion and Youth Baseball when they have events at the stadium and the length of the lease as proposed. This item was for information only.

Item No. 2 Staff presented a proposed lease with the Willmar Stinger Organization. The Willmar Stingers have had two (2) previous five-year leases, with the current lease to expire in August of 2019. The proposed lease is for a period of ten years and would run through August 25, 2029. The lease would set the per game rate at \$450 per game in 2020 with a rate of \$350 per game for Saturdays and Sundays with a projected \$10 increase per game per year for the duration of the contract. An additional change would require the Stinger Organization to clean the facility after each home game, which would save the city an estimated \$7,000 per season. In exchange for them cleaning the grounds the city would exchange the advertising rights, office space and storage and concession stand.

It was the recommendation of the Parks and Recreation Board to renew the lease agreement with the Stingers as presented. The committee discussed with staff, representatives of the Stinger Organization and the citizens present the concerns raised under public comment and the possible solutions for the usage of the concession stand. It was stated that the staff and the Stingers had discussed three possible options on handling concession stand issues. Those were: 1) for the Stinger Organization to operate the concession stand for any other event and keep all proceeds; 2) for the Stingers to operate the concession stand with an agreement to share the proceeds on a pre-determined amount, and; 3) for the organization that is holding an event at the stadium to run concessions from another location on the grounds.

When asked if the three options were in the proposed lease, it was indicated that they were not. After some discussion of the importance of all organizations to the community, the importance to having everything clearly stated in the lease and to allow staff time to work out the exact language with the Stingers, it was the recommendation of the committee to refer the lease back to staff and Parks and Recreation Board to work out the details.

Following discussion, Council Member Nelsen offered a motion to approve the committee's recommendation. Council Member Fagerlie seconded the motion which carried.

Item No. 3 Staff presented a proposed agreement with the Wild Oar group to use space at Robbins Island for a "water craft" rental business and the selling of pre-packaged food products. The Wild Oar has been pursuing the utilization of Robbins Island for the rental/concession for a couple of years. Staff has been working with the owners to finalize the agreement but have been delayed due to the owner trying to finalize and supply the required insurance certificates. Staff was recommending to approve the agreement with Wild Oar at \$20 per season and to require them to present and explain their information to the next Park and Recreation Board meeting dated June 19th at 1:30 p.m. at the Civic Center.

The committee discussed the proposed fee of \$20 per season and expressed concerns if this amount was enough to cover administrative costs to issue and monitor the permit. It was the feeling by the committee that the amount proposed would not cover the costs and it was their recommendation to introduce a resolution to authorize the Mayor and Administrator to sign the agreement and amend the proposed fee from \$20 per season to \$50 per month.

Following discussion, **Resolution No. 19-081 Authorizing the Agreement with Wild Oar for the Robbins Island Equipment/Concession Rental Project** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 4 The committee reviewed a request from the Glacial Ridge Curling Club to amend their agreement with the City by allowing the club to be able to hire an architect and apply those costs to the 60% requirement to start the project, and second to be able to apply in-kind donations to also be applied to the 60% cash donation in Section 5.2.2 and Section 4.1.1. Staff has been working with the City Attorney to revise the agreement as proposed and the Parks and Recreation Board is recommending approval of the amended agreement as presented. It was the recommendation of the committee to approve the amended agreement as presented.

Resolution No. 19-082 Authorizing First Amendment with Glacial Ridge Curling Club for the Build-To-Suit Lease Agreement was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 5 The committee reviewed the requirements to move forward on the implementation of the Local Option Sales Tax as was approved at the November 2018 election. In order to move forward on the implementation of the Local Option Sales Tax, and in order to have the tax start at the earliest possible date of October 1, 2019, the City will have to be able to meet the requirement to notify the Department of Revenue 90 days before, which would be no later than July 1st.

In order to meet the July 1st deadline the City, per special session law, City Charter and the Department of Revenue Rules and Regulations would have to take the following actions:

1. Pass a resolution to implement the special session statute to implement the tax as authorized.
2. Per Charter and Law, introduce an Ordinance spelling out the tax and setting a Public Hearing allowing the public to comment on the Ordinance (No additional public approval needed due the November referendum.)
3. File the required forms and documents with the Secretary of State and the Department of Revenue by July 1st, 2019.

It was the committee's recommendation to introduce a Resolution to Implement and approve the Local Option Sales Tax as approved by the voters in November and the State Legislature at their special session.

It was then the committee's recommendation to introduce an Ordinance to amend the City Charter authorizing the Local Option Sales Tax and Motor Vehicle Excise Tax.

Following discussion, **Resolution No. 19-083 A Resolution by the Mayor and City Council of the City of Willmar, Minnesota Approving the Laws of Minnesota, 2019, First Special Session, Chapter 6, Article 6, Section 32** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Nelsen then introduced **an Ordinance of the City of Willmar, Minnesota Adopting a Sales and Use Tax and a Motor Vehicle Excise Tax**, and set a public hearing for June 17, 2019 at 7:02 p.m. Council Member Alvarado seconded the motion which carried.

Item No. 6 Staff and the committee reviewed all upcoming Capital Project Financing issues and reviewed and discussed the 2019 Capital Projects that have not been started at this time. This item was for information only.

Item No. 7 The committee reviewed the future meeting schedule. It was discussed that this will be available at all future meetings, so items discussed or requested can be added and the Council will be informed of when certain items are scheduled to be discussed. This item was for information only.

The Finance Committee Report of May 23, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Mueske seconded the motion, and carried.

City Clerk Judy Thompson presented a request to approve a Civic Center Special Event Liquor License Permit – Bike MS: Bike Across Minnesota organization who will hold a bike ride July 21 through July 26, 2019, with plans to serve alcohol on July 21, 2019. The Torgerson Properties, Inc. dba Green Mill Willmar has applied for this permit with on-site employee listed as Laurie Varness.

Council Member Nelsen moved to approve staff's recommendation. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Human Resource Director Samantha Beckman presented a recommendation to appoint Mr. Brian Gramentz to the position of Interim City Administrator. Mr. Gramentz was recommended by the League of Minnesota Cities and has served as a City Administrator and City Manager in the past.

Following discussion, Council Member Mueske offered a motion to appoint Mr. Brian Gramentz to the position of Interim City Administrator. Council Member Davis seconded the motion which carried.

Following further discussion, Council Member Mueske offered a motion to approve a contract with Mr. Brian Gramentz. Council Member Davis seconded the motion which carried.

City Administrator offered the following comments: stated Mr. Matt Dawson had sent an email earlier today to include the full Council to the Invest in Willmar meeting on Wednesday, June 5th, and Administrator Holland suggested that only the committee members from Council attend and not the full Council due to posting notice requirements.

Council Member Alvarado offered the following comments: urged citizens to keep grass clippings off streets; Summer 2019 Fun magazine is available and urged everyone to pick up a copy and participate in the many activities available; wanted to thank Local Option Sales Tax committee members that have volunteered their time to serve, it is much appreciated; looking forward to changes in the community.

Council Member Asmus offered the following comments: the Community Center Local Option Sales Tax subcommittee will be touring several area facilities for ideas; Thursday, June 13th is the Wisdom & Wine event at the Willmar Conference Center; many fun events happening in the area.

Council Member Nelsen offered the following comments: thanked the Noon Lions for hosting the Dog Walk last Saturday, and urged everyone to stop and view the park.

Council Member Fagerlie offered the following comments: annual youth baseball tournament will be held this Friday through Sunday and will bring 64 teams to our community and urged everyone to go out and enjoy the baseball games and support this local fundraiser for youth baseball.

Council Member Mueske offered the following comments: Willmar High School graduation was held this past weekend; urged everyone to use caution when driving by the various parks this summer and watch out for kids playing in the area.

Mayor Calvin offered the following comments: offered his condolences to the family of former mayor Frank Yanish who passed away this past week.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 7:42 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 19-080

RESOLUTION DECLARING HAZARDOUS BUILDING AND ORDER FOR REMOVAL BY THE CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA

Motion By: Fagerlie

Second By: Mueske

WHEREAS, evidence has been presented to the City Council of the City of Willmar, Minnesota, and the City Council finds the following facts:

1. That on the real property located at 312 9th Street Northwest in the City of Willmar, Kandiyohi County, Minnesota, which real property is described as follows, to-wit:

Lots 9 and 10, Block 2 of the Original Town of Willmar, according to the plat thereof on file in the Office of the County Recorder, Kandiyohi County, Minnesota

2. Parcel Number: 95-003-0210 (the "property"), there is a single-family dwelling and detached garage (the "detached garage") (collectively, the "buildings").
3. That the records on file with the Kandiyohi County Recorder reveal that the owners of the property are Avis Hanson and Paul Hanson.
4. That the detached garage located on the property has become damaged and structurally unsafe, the damage occurring in the winter of 2019 when the roof partially collapsed due to accumulation of heavy snow.
5. That the detached garage has experienced significant structural damage to the extent that it does not

meet the minimum requirements of the Minnesota State Building Code for buildings of similar structure, purpose or location.

6. That the detached garage has experienced significant structural damage, dilapidation, deterioration and/or decay because of the damage to its roof, has partially collapsed and likely to suffer further damage and/or completely collapse.
7. That the detached garage has experienced significant structural damage to the extent that it is no longer of sufficient strength or stability to resist wind pressure as specified in the Minnesota State Building Code.
8. That the detached garage is manifestly unsafe for the purpose for which it is being used.
9. Photographs documenting the current hazardous condition of the building are attached hereto as Exhibit 1.

NOW, THEREFORE, it is found as a matter of fact that the detached garage on the property constitutes a hazardous building; that the detached garage must be brought into compliance with the state building code or razed and removed.

YOU, Avis Hanson and Paul Hanson are hereby ordered to either:

1. Repair said detached garage within Twenty (20) days after service of this Order upon you, i.e., the roof on the detached garage must be replaced; any damaged foundation must be repaired or replaced, that any structurally damaged walls or rafters must be repaired; all exterior surfaces must be repaired to a weather resistive state; or
2. Raze and remove said detached garage within Twenty (20) days after service of this Order upon you and fill any excavation left after the razing of said buildings so that there will be no hazard to the public health and safety.

The City will make a motion for summary enforcement of this Order to the District Court of Kandiyohi County, Minnesota, if the corrective action is not taken as ordered, **or unless an answer is served within 20 days from the date this Order was served upon you, as provided in Minnesota Statutes Section 463.18.**

The City Attorney is directed to proceed with this matter according to law.

Dated this 3rd day of June, 2019.

CITY OF WILLMAR, MINNESOTA

By: s/s Marv Calvin
Marvin Calvin
Its: Mayor

ATTEST:

By: s/s Judy Thompson
Judy Thompson
Its: City Clerk

Exhibit 1

312 9th St NW
May 3, 2019 TP



RESOLUTION NO. 19-081

**AUTHORIZING THE AGREEMENT WITH WILD OAR FOR THE ROBBINS ISLAND
EQUIPMENT/CONCESSION RENTAL PROJECT**

Motion By: Nelsen

Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar to approve a use of public property agreement with Wild Oar for the Robbins Island Equipment/Concession Rental Project.

Dated this 6th of June, 2019

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 19-082

**AUTHORIZING FIRST AMENDMENT WITH GLACIAL RIDGE CURLING CLUB FOR THE
BUILD-TO-SUIT LEASE AGREEMENT**

Motion By: Nelsen

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to approve an amendment to the agreement with Glacial Ridge Curling Club for the build-to-suit agreement.

Dated this 6th of June 2019

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

**CITY OF WILLMAR
RESOLUTION NO. 19-083**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA
APPROVING LAWS OF MINNESOTA, 2019, FIRST SPECIAL SESSION, CHAPTER 6, ARTICLE 6, SECTION 32**

WHEREAS, the 2019 first special session of the Minnesota Legislature passed and the Governor signed into law Laws of Minnesota for 2019, First Special Session, Chapter 6, Article 6, Section 32 (the "Special Legislation") which authorizes the City of Willmar, Minnesota, (the "City") to impose by ordinance a sales and use tax of up to one-half of one percent and an excise tax of up to \$20 per motor vehicle (collectively, the "taxes") to pay for the cost of collecting and administering the taxes and to pay for all or part of the costs of the planning, design, and construction of a new recreation center and auditorium, new softball/baseball and multipurpose athletic fields, infrastructure improvements at Robbins Island Regional

Park, spectator amenities and a new playground area at Swanson Field, stormwater management infrastructure improvements, and a replacement community center as more fully described in Resolution No. 18-89, adopted by the Willmar City Council on July 16, 2018; and

WHEREAS, the Special Legislation requires local approval in accordance with Minnesota Statutes, Section 645.021 before the Special Legislation may take effect; and

WHEREAS, the Willmar City Council desires the Special Legislation to become effective; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Laws of Minnesota for 2019, First Special Session, Chapter 6, Article 6, Section 32 is hereby approved.
2. The City Clerk is hereby directed to submit the appropriate certificate and a copy of this Resolution to the Secretary of State of the State of Minnesota.

Adopted by the City Council of the City of Willmar on June 3, 2019.

Approved:

s/s Marv Calvin
Mayor

Attested:

s/s Judy Thompson
City Clerk